

STATE OF OKLAHOMA v. TYSON FOODS SHANNON PHILLIPS

January 10, 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al., )  
 )  
Plaintiffs, )  
 )  
vs. ) Case No. 4:05-CV-00329-TCK-SAJ  
 )  
TYSON FOODS, INC., et al., )  
 )  
Defendants. )

COPY

DEPOSITION OF SHANON PHILLIPS  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON JANUARY 9, 2007, BEGINNING AT 2:14 P.M.  
IN OKLAHOMA CITY, OKLAHOMA

APPEARANCES:

MR. ROBERT D. SINGLETARY, Attorney at Law, of the  
Office of Attorney General, 4545 N. Lincoln Boulevard, Suite 260,  
Oklahoma City, Oklahoma 73105, appearing on behalf of the  
PLAINTIFF.

MS. D. SHARON GENTRY, Attorney at Law, of the firm  
Riggs, Abney, Neal, Turpen, Orbison & Lewis, 5801 N. Broadway,  
Suite 101, Oklahoma City, Oklahoma 73118, appearing on behalf of  
the PLAINTIFF.

MS. NICOLE M. LONGWELL, Attorney at Law, of the  
McDaniel Law Firm, 320 South Boston, Suite 700, Tulsa, Oklahoma  
74113, appearing on behalf of the DEFENDANT PETERSON FARMS,  
INC.

MS. THERESA NOBLE HILL, Attorney at Law, of the firm  
Rhodes, Hieronymus, Jones, Tucker & Gable, ONEOK Plaza, 100 W.  
5th Street, Suite 400, Tulsa, Oklahoma 74103, appearing on behalf  
of the DEFENDANT CARGILL, INC. & CARGILL TURKEY  
PRODUCTION, LLC.

APPEARANCES CONTINUED ON NEXT PAGE

REPORTED BY: DANIEL LUKE EPPS, CSR, RPR

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1 MS. LONGWELL: Exhibit 1.

2 THE WITNESS: Exhibit 1 to mine.

3 Q (BY MR. BOND) Exhibit 1 was -- was  
4 Exhibit 1 present at that meeting?

5 A Yes.

6 Q Was it passed out to everyone at that  
7 meeting or was it just used as a discussion piece?

8 A At the original meeting it was used as a  
9 discussion piece.

10 Q Okay.

11 A Following that meeting, Ms. Lamb and  
12 Mr. Butler sat down and reviewed each item, and  
13 then we were all invited to come review it.  
14 Subsequent to that, it was passed out to  
15 everyone.

16 Q And when you say it was passed out, it's  
17 what you have there as Exhibit 1?

18 A I'm sorry. Yes. As I said previously, the  
19 first page looks somewhat different than the  
20 document that we had, but all the following pages  
21 are -- seem to be identical and all the requests  
22 seem to be identical to what we had.

23 Q Okay. My clients have participated in  
24 trying to seek discovery from the state in this  
25 case and they've issued approximately 38

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1 interrogatories and three requests for production.  
2 Have you seen any document that says Tyson  
3 Foods' interrogatories on it or Tyson Poultry  
4 interrogatories on it or Tyson Chicken  
5 interrogatories on it or Cobb-Vantress  
6 interrogatories on it?

7 A Not to my knowledge.

8 Q Okay. Have you had any discussions  
9 with your boss or anyone else that you work with  
10 particularly related to searching for this large  
11 amount of documents that are in this room where  
12 Tyson's request for information in this case has  
13 come up?

14 A Not to my knowledge. We have been  
15 aware that there were other requests for  
16 information, but it was our understanding that by  
17 pulling the information that was inclusive of  
18 everything in the Illinois River Watershed and  
19 everything related to the Illinois River Watershed  
20 and our Beaty Creek project, that we were  
21 fulfilling those requirements.

22 Q Okay. But you haven't actually laid your  
23 eyes on --

24 A No.

25 Q -- requests from my clients?

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1 A No.

2 Q Okay. And when searching for  
3 documents within this agency, you don't know  
4 exactly what my client has asked for because you  
5 haven't seen it?

6 A No.

7 Q That's correct?

8 A That's correct.

9 Q Okay. Do you know if documents that  
10 are alleged to be responsive to my clients'  
11 discovery requests are being produced today?

12 A I don't know.

13 Q I'm going to look back at my notes real  
14 quick. Have you had any conversations with Miles  
15 Tolbert about responding to my clients' discovery  
16 requests?

17 A No.

18 Q Okay. I don't have any more questions.

19 DIRECT EXAMINATION

20 BY MS. HILL:

21 Q Ms. Phillips, my name is Theresa Hill,  
22 and if it works for the court reporter, I'll just ask  
23 you a few questions from here.

24 A Sure.

25 Q I represent Cargill, Inc., and Cargill

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1 Turkey Production, LLC. Just to follow up on Mr.  
2 Bond's questions, have you seen any discovery  
3 from any other defendant or party in this  
4 litigation other than the Peterson requests that  
5 we've discussed here today?

6 A No.

7 Q So you don't know if the documents that  
8 are being produced here are responsive to any  
9 other discovery requests other than those that  
10 we've discussed with respect to Peterson?

11 A No.

12 MS. HILL: Okay. That's all the  
13 questions I have.

14 MS. GENTRY: I guess we're done then.

15 MS. LONGWELL: I just need to -- wait a  
16 minute. I just need to state my reservation on  
17 the record. I reserve the right to re-call Ms.  
18 Phillips or any other individual from the water  
19 quality division of the Oklahoma Conservation  
20 Commission regarding electronic information that  
21 may be later produced as being responsive to  
22 Peterson Farms' requests that are identified as  
23 Exhibit 1 to this deposition.

24 MR. BOND: And I will add that Tyson  
25 Foods and Tyson Poultry and Tyson Chicken and